

From: Dallas Ball [mailto:dallasballlaw@yahoo.com]
Sent: Monday, January 04, 2010 3:42 PM
To: Dong, Randall
Cc: Jeff Nelson; loosestones0@lycos.com
Subject:

Mr. Dong,

Please find attached Yellow Cab Co. of Greenville's motion for Reconsideration and Rescission of Directive. Thank you for your consideration in this matter.

Dallas Ball, Esq.
Dallas D. Ball P.C.
690-C Columbiana Blvd.
Suite 200
Columbia, SC 29212
dallas@sctrial.com
www.sctrial.com
803-917-9696 :(Cell)
803-407-2357: (Fax)

January 4, 2010

B. Randall Dong, Esquire
S.C. Public Service Commission
Synergy Business Park
101 Executive Center Drive
Columbia, S.C. 29210

RE: Application of Kenneth J. Landert d/b/a Kountry Limo
Docket Number 2009-431-T

Dear Mr. Dong.:

We are in receipt of your Directive of December 29, 2009, regarding the above referenced matter. We would ask that this letter serve as a motion to Reconsider and Rescind Directive issued in this case regarding the deadline to make a more definite statement. We would ask that the following reasons for our failure to respond in a timely manner be taken into consideration.

On December 4, 2009, I had right knee surgery, followed by a left knee surgery on Christmas Eve. These surgeries have kept me out of the office since December 4th. My paralegal was handling the calendar but in mid December had an emergency with his wife who subsequently passed away days before Christmas. For these reasons we request this letter be taken as the above styled motion as well as serving as the requested more definite statement.

Additionally, my client, Yellow Cab Co. Of Greenville, Inc. states that in its opinion the applicant is not fit to be issued a Certificate of Public Convenience and Necessity to operate any vehicle for hire. Mr. Landert drove a taxi leased from Yellow Cab Co of Greenville Inc for several years. During this time, I have been informed, he has accumulated multiple traffic violations and been responsible for two motor vehicle accidents as well as received multiple complaints. It is believed that he may have as many as 8 points against his driver's license. Mr. Landert has apparently been operating a taxi service illegally despite having been issued a ticket for doing the same by the Office of Regulatory Staff. It is my client's belief that Officer Vowel of the Office of Regulatory Staff will be able to provide additional information regarding the repeated illegal operations of Mr. Landert's enterprise. Mr. Landert has stated to my client that he will continue to operate as he wants as there is virtually no enforcement against illegal operators. In addition, the balance sheet submitted to the SCPSC in October, may provide evidence that Mr. Landert is continuing to operate an illegal vehicle for hire service.

Thank you for your attention to this matter

Sincerely,

Dallas D. Ball
Attorney for Yellow Cab of Greenville, Inc.

Cc: ORS
Kenneth J. Landert